

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

THE JOURNAL OF

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UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
Silvestre MONTOYA-Flores)
Defendant.)

Magistrate Case No. 08 MJ 0085

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Aliens
Without Presentation

The undersigned complainant being duly sworn states:

On or about **January 10, 2008**, within the Southern District of California, defendant **Silvestre MONTOYA-Flores**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Maria Elena SOTO-Martinez, Elizabeth LOAEZA-Arizmendi** and **Jesus Abraham JIMENEZ-Vivanco**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference. 

SIGNATURE OF COMPLAINANT
Claudia Rios U.S. Customs and Border
Protection Enforcement Officer

Sworn to before me and subscribed in my presence this 14th day of January, 2008.

John H. Moore
UNITED STATES MAGISTRATE JUDGE

I, United States Customs and Border Protection (CBP) Enforcement Officer Roger Quintana Jr., declare under penalty of perjury the following to be true and correct:

The complainant states that **Maria Elena SOTO Martinez, Elizabeth LOAEZA Arizmendi and Jesus Abraham JIMENEZ Vivanco** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 10, 2008 at approximately 1934 hours **Silvestre MONTOYA-Flores (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a 1995 Mercury Villager. During primary inspection before a Customs and Border Protection (CBP) Officer, Defendant presented his valid DSP-150 card as an entry document and claimed the vehicle was not his but his company's vehicle. The primary officer performed an inspection of the vehicle and noticed a non-factory compartment underneath the vehicle. The primary officer requested assistance. Another CBP Officer responded and observed fabric or clothing of some kind, showing between the sheet metal and floor of the vehicle. The defendant was taken into custody and escorted into the security office. The vehicle was driven into the vehicle secondary lot for a more thorough inspection.

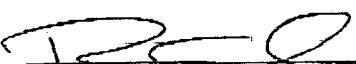
In secondary, a CBP Officer inspected the vehicle and discovered a non-factory compartment underneath the floor of the vehicle containing three undocumented aliens. Enforcement Officers were requested to the lot. CBP Officers assisted Enforcement Officers in removing three individuals from the compartment.

Further investigation revealed the three individuals to be citizens and natives of Mexico with no entitlement to enter the United States. The three individuals are now identified as material witnesses **Maria Elena SOTO-Martinez, Elizabeth LOAEZA-Arizmendi and Abraham Jesus JIMENEZ-Vivanco**.

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted he was going to receive approximately \$400.00 USD for driving the vehicle into the United States.

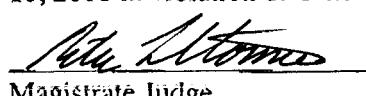
On separate videotaped interviews, Material Witnesses declared they are citizens of Mexico who have no legal rights to enter the United States. Material Witnesses stated they were en route to California to seek employment and made arrangements to pay a smuggling fee ranging approximately from \$2000.00 USD to \$3500.00 USD to be smuggled into the United States.

Executed on this 11th day of January at 1500 hours.



Roger Quintana Jr. / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of one page, I find probable cause to believe that the defendant named therein committed the offense on January 10, 2008 in violation of Title 8, United States Code, Section 1324.


Magistrate Judge

1-12-08 @ 10:30 AM
Date / Time